



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMP.NO.7997 OF 2018
IN
CRP.SR.NO.30609 OF 2018

K.V.Meenakshi Sundaram

..Petitioner

Vs.

1. K.S.Sivakumaran
2. Sudha Sivakumaran
3. G.Ramalingam
4. M/s.Indian Bank,
Rep. by its Chief Manager / Authorised Officer,
Circle Office, Vellore,
Vellore District.
5. G.Rajendiran
6. The Sub-Registrar, Arni,
Sub-Registrar's Office, Arni,
Thiruvannamalai District.

..Respondents

Prayer: Civil Miscellaneous Petition filed under Section 151 of CPC., seeking to grant leave to the petitioner to file this civil revision petition.

Prayer in CRP.SR.NO.30609 OF 2018: Under Article 227 of Constitution of India to allow the CRP and to struck off the plaint filed in O.S.No.210 of 2013 dated 30.11.2013 in the Court of the District Munsif at Thiruvallur.

For Petitioner : Mr.V.Pavel



O R D E R

The petitioner seeks leave to file this revision petition, for striking of the plaint in OS.No.210 of 2013.

WEB COPY

2.The suit in OS.No.210 of 2013 was filed against the Vendor of the petitioner and three others, seeking declaration of their title to the suit properties and for other injunctive reliefs. The petitioner, who is the purchaser of the property, subject matter of the suit under a sale deed dated 19.01.2018 executed by one G.Rajendiran, who is the auction purchaser, who figures as 3rd defendant in the suit has come up with this petition seeking leave to file a revision as stated above.

3.The main ground, on which, the revision is sought for is that the title of the Vendor of the petitioner, was affirmed by this Court in WP.No.31785 of 2005 wherein, there was a compromise between the parties, including the plaintiff in the present suit namely, OS.No.210 of 2013. It is well open to the petitioner to move the Trial Court, seeking rejection of plaint under Order 7 Rule 11 of CPC. Eventhough res judicata has not been enumerated as one of the grounds for rejection of the plaint, it has been held that the grounds mentioned in Order 7 Rule 11 are not exhaustive and the Court is not powerless to reject the plaint on the ground of res judicata or on the ground that it is a re-litigation.

4.Hence, I do not see any reason to entertain this revision at the instance of the petitioner. It is also stated that the petitioner has now been impleaded as a party to the suit in OS.No.210 of 2013. Leaving it open to the petitioner to approach the Trial Court seeking rejection of the plaint. This civil miscellaneous petition is dismissed. CRP.Sr.No.30609 of 2018 will stand rejected. No costs.

Sd/-
Assistant Registrar(CCC)

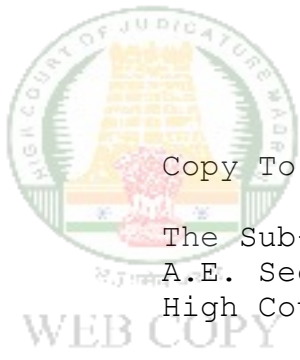
//True Copy//

Sub Assistant Registrar

kkn

To

1. The District Munsif Court, Arni.
2. The District Munsif Court, Thiruvallur.



Copy To

The Sub-Assistant Registrar,
A.E. Section,
High Court, Chennai.

CMP.No.7997 of 2018
in
CRP.Sr.No.30609 of 2018

PL (CO)
RLP (07/02/2022)